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ABSTRACT

The history of language in the United States shows trends and movements that embrace and at times reject the accommodation of other languages in public life. However, there has always been resistance to creating an exclusively monolingual society. Instead, a cyclical pattern best describes U.S. language policy through the major periods in U.S. history. The current English-only movement supports suppression of Spanish, using such immediate and practical targets as bilingual ballots and voter registration. At a time when minority communities begin to successfully challenge structural impediments to political power by electing their own people to public office, minority politicians are accused of manipulating their constituents by using their native languages. Puerto Ricans in the United States are responding by refusing to support English-only legislation, and must continue to fight for full preservation of their language and culture, and against discrimination on the basis of language. (MSE)

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ENGLISH ONLY JAMAS

Juan Cartagena

"'Gobernar es poblar'...Will the present majority peaceably hand over its political power to a group that is simply more fertile?"

The words noted above were written in 1986 by John Tanton,[1] co-founder of U.S. English, Inc., the largest and wealthiest supporter of the recent wave of legislation declaring English the only language states can use in government operations. They were written in a discussion of the effects that immigrants would have on the quality of life in the U.S. But make no mistake about it, in the context of the language policy debate raging in the 1980s, they were written about Puerto Ricans as well.

The Puerto Rican experience in the U.S. forced a confrontation between the promises of equality and non-discrimination and the boundaries of U.S. language policy. Puerto Ricans positively shaped language policy and transformed it into a discussion of language rights. The bilingual assistance provisions in the Voting Rights Act, the court decisions mandating bilingual/bicultural education, the constitutional guarantees of bilingual interpreters in criminal proceedings, and a plethora of Spanish-language notices, letters and materials regarding government entitlements are unique Puerto Rican contributions to U.S. language policy. Throughout, the community struggles of parents and activists were guided by certain elements: the full preservation of our language and culture and the fulfillment of non-discrimination on the basis of language. And yet as any *puertorriqueño* knows, that struggle was far from over in the 1980s. Schools refused to appropriately implement what the law mandated; interpreters were rarely trained; the franchise was devalued and access to political power continued to be elusive. For the modern-day language restrictionists, however, the struggle was just beginning in the 1980s.

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Invisible in many other aspects of control over their socio-economic status, Puerto Ricans have been largely ignored in the current national language debate. This omission must be rectified. Once the rhetoric of the language restrictionists is shed, the true issue turns on a question of political empowerment: Will Puerto Ricans and others be allowed to shape their own avenues of access to and control over governmental services in languages they can understand? And will the white, majoritarian society "peaceably" continue to accommodate anything other than English? Only a closer look at the historic and idiosyncratic Puerto Rican experience can point us in the right direction.

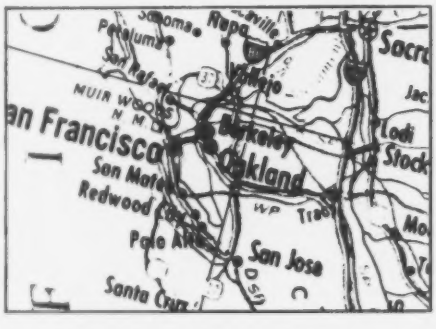
LANGUAGE POLICY IN PUERTO RICO

"Another important fact that must not be overlooked, is that a majority of the people of this island does not speak pure Spanish. Their language is a patois almost unintelligible to the natives of Barcelona and Madrid. It possesses no literature and little value as intellectual medium."

Dr. William W., Clark, President of the Insular Board of Education in Puerto Rico, 1899.[2]

At the time of the U.S. takeover of the island of Puerto Rico in 1898, Spanish had served as the Island's national language for some 390 years. From the start, programs and policies designed to Americanize its war-booty were instituted by the United States. This process has also been described as Anglicization, or the conversion of the language of the Puerto Rican people from Spanish to English.[3] This was the first taste of U.S. language policy for Puerto Ricans within a colonial relationship.

Specific enactments, as in the area of public education, presaged strained relations between the Island and Washington, resulting in confusion for many Puerto Rican youngsters. With the teaching of Spanish and English occupying from one-fifth to one-half of the educational program, language, and not subject-matter content, was the primary emphasis in these schools.[4]



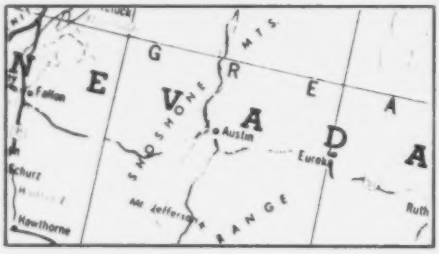
Consistent with Dr. Clark's ignorant perception of Puerto Rican "patois," Spanish was first relegated to a mere subject in Puerto Rican schools and then marked for elimination altogether. This scheme was apparent from Congressional pronouncements that Puerto Rico could not be trusted to operate its own Department of Education (for fear that English would not be taught) to Commissioner of Education Paul Miller's directive to the police, when seeing a Puerto Rican flag at a

graduation, to "remove the enemy flag."[5]

The result of this policy on Puerto Rico's schools became clear. In succeeding stages, Puerto Rican students were buffeted between instructional policies which mandated English, Spanish or both to be the medium of instruction. For example, English became the medium of instruction overnight after the U.S. invasion. From 1900 through 1904 both languages were used. Subsequently, differentiations appeared within grade levels. Thus, Spanish became the medium in elementary grades only, followed by English as the medium from 1905-1916. Differentiation among grades continued with Spanish as the medium from 1916-1934 for only the first four grades. Spanish then reassumed its dominant position in all elementary grades through 1937. Its domination did not survive as both languages were used as the mode of instruction until the late 1940s.

By the mid-1940s, the language policies of Puerto Rico's schools became intertwined with the political question of the status of Puerto Rico.[6] Time and again the Puerto Rican community, its teachers, universities and legislature attempted to implement the use of Spanish as the medium of instruction. Each time, the attempt was thwarted. In fact, in 1946 the legislature of Puerto Rico enacted such legislation only to be vetoed by President Truman. This was the only piece of legislation originating in Puerto Rico ever vetoed by an American President.[7] With the 1947 amendments to the Organic Law, Puerto Rico finally gained "control" of its system of education and in 1949 Spanish became the medium of instruction.

The U.S. has thus had an experiment with foisting English Only upon a population in Puerto Rico which soundly rejected it. This episode was not without losses: erosion of some of our culture as students



were forced to learn of George Washington and the Star Spangled Banner instead of *La Borinqueña*; an 80% dropout rate in the Island's schools at the time; and no full English proficiency.[8]

All other areas were affected as well. In the first year of U.S. occupation, an order was issued by the U.S. Army which authorized the registration of documents drafted in English when accompanied by a Spanish translation.[9] The Spanish translation requirement, however, was modified by the Language Act of 1902 and has survived to this day:

In all departments of the Commonwealth Government and in all the courts of this island, and in all public offices the English language and the Spanish language shall be used indiscriminately; and, when necessary, translations and oral

interpretations shall be made from one language to the other so that all parties interested may understand any proceedings or communications made therein.[10]

This law unequivocally establishes the language policy in Puerto Rico as one that aims toward bilingualism and not monolingualism. In effect, two languages are accommodated. Yet bilingualism is not integrated at all levels in Puerto Rico. Ironically, it is the federal judiciary - the bastion of "American justice" - that has not, and will not be integrated.

In 1968 a federal district court in Puerto Rico was confronted with a constitutional challenge to the conviction of 11 Puerto Rican draft evaders because of the statutory requirement that all proceedings held in that court be conducted in English.[11] The draft evaders argued that both their right to a fair trial and their right to be tried by a jury of their peers were violated by this requirement as well as the federal provision in 28 U.S.C. Sec. 1861 requiring all jurors to be literate in English. The court recognized the unique situation that it confronted by noting that no other federal court was located in a "state or territory in which the primary language of the American citizens residing therein is other than English".[12] Yet it dismissed the arguments of the draft evaders by concluding:

Just as Spanish is "the language of the Puerto Rican people". . . the United States has from the time of its independence been an English-speaking nation.[13]

As will be seen below, the Court's description of the United States is not entirely accurate.

LANGUAGE POLICY IN THE UNITED STATES

"The protection of the Constitution extends to all, to those who speak other languages as well as those born with English on the tongue."
Myer v. Nebraska[14]

The history of U.S. language policy shows a strange quilt of trends and movements that embrace, and at times reject, accommodation of other languages in public life. This history, however, has shown that there has always been resistance to creating an exclusively monolingual society in the United States. Instead a cyclical or spiral pattern best describes U.S. language policy. Twelve of the more significant historical periods and events in the evolution of U.S. language policy can be listed as follows:

Pre-American Revolution: What we now consider the United States has historically functioned in many languages other than English, both before and after the Declaration of Independence. Spanish, Navajo,

Cherokee and Eskimo, among others, have all flourished in what is now the United States long before English reached these shores. These same languages are accommodated now by the federal government. This historical period also demonstrated the ugly side of extremist language policies. African slaves were systematically prohibited, under severe punishment, from practicing their culture and languages.

Formation of the U.S. Government - The Constitution: It is of great interest and significance in defining the boundaries of U.S. language policy that the Constitution does not speak at all to English, or any other language, as the official language of the country. The framers, renowned for their eloquence and expressiveness, exhibited a lack of consensus on this issue, and German, Hebrew, French and Spanish had been mentioned as substitutes for English as the official language at that time.[15] Moreover, the Continental Congress had issued a number of proclamations and letters of appeal in German, including a German edition of the Articles of Confederation.[16] Thus Germans, representing a strong language minority eager to join in the armed rebellion, were courted in their native language.

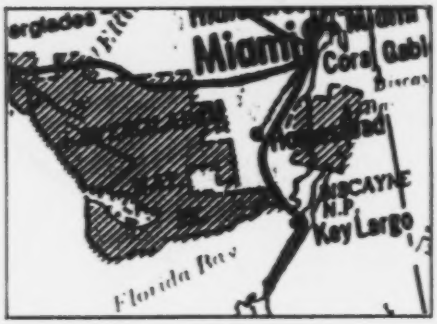
Culmination of the Early Period of Accommodation - The Germans: With close to a quarter million Germans living in the Thirteen colonies, principally in Pennsylvania, Germans became the single most important language minority group to impact upon this country's development of a language policy.[17] Germans created their own private schools to preserve their language and successfully thwarted attempts to establish English schools in the same areas.[18] From 1794 through 1862, Germans repeatedly petitioned Congress to print federal laws and other publications in the German language.[19]

Even today, German ranks behind only Spanish and Italian as the most popular home language of U.S. residents.[20]

Territorial Annexation and Citizenship - The Mexicans: The conclusion of the Mexican-American War in 1848 resulted in the Treaty of Guadalupe Hidalgo. Approximately 75,000 Mexican settlers became U.S. citizens by operation of law.[21] The Treaty, however, preserved the right of these settlers to their land and arguably, to their language and culture.[22] The final treaty made it clear that these residents would enjoy all the rights of U.S. citizenship. English proficiency was not a condition of citizenship for this Spanish-speaking population.

Territorial Annexation and Citizenship - The Puerto Ricans: Citizenship was granted to Puerto Ricans by operation of the Jones Act of 1917. Like Mexicans, Puerto Ricans presented a substantial Spanish-speaking population that was granted citizenship as a result of U.S. armed initiatives. Once again, English proficiency was not imposed as a precondition to citizenship. Neither group, therefore, fits the typical immigrant stereotype.

Bridges remain behind them. Ellis Island and the Statue of Liberty are not their gateways.



Elimination of the First Wave of English Only Legislation - Myer v. Nebraska: As the final arbiter of the federal Constitution, the U.S. Supreme Court also plays a major role in the development of national
70 policy. Its decision in Myer v. Nebraska, culminated an important phase in the development of U.S. language policy. The 1920s was a peak period for anti-immigrant hysteria. The dramatic rise in the membership of the Ku Klux Klan after World War I, which numbered over four million members in 1925, coincided with its proclamation to save the "Nordic race."[23] Restrictionist immigration policy and restrictionist language policy went hand in hand. When Myer v. Nebraska was decided, approximately 20 states had English-As-Official-Language legislation and prohibited the teaching of other languages in the schools.[24] In response, the Supreme Court declared these laws unconstitutional inasmuch as they established criminal penalties for teaching foreign languages.

U.S. Language Policy - The International Forum: With the conclusion of World War II, the United States and many other countries founded the United Nations. Prohibitions on discrimination against nationals of all the signatory countries were an essential element in the principles that forged the United Nations. The Charter of the United Nations lists "language as an impermissible basis of discrimination alongside the other impermissible bases of race, sex, and religion.[25]

As a signatory to the United Nations Charter, the U.S. also voted in support of the Universal Declaration of Human Rights of 1948.[26] The Declaration also prohibits differentiation on the basis of language. Thus, the U.S. has expressly approved the protection of language rights within the sphere of international law and policy.

Citizenship Through Naturalization - The English Proficiency Requirement: In 1952 knowledge of "ordinary English" was made a requirement for citizenship through naturalization in the United States. Ability to read and write "ordinary English" was the standard for all would-be citizens except those physically unable to satisfy the requirement and those at least 50 years old and residents of the U.S. for over 20 years. Importantly these exemptions demonstrate, as with Puerto Ricans and Mexicans, that not every immigrant had to pass an English hurdle before gaining citizenship. The recent passage of the Immigration Reform and Control Act, established a major exception, however. For the first time, even eligibility for permanent residence under its

"amnesty" provisions is contingent on English proficiency.

Realization of America's Linguistic Inferiority - The Cold War: The linguistic inferiority of the U.S. became particularly apparent during World War II. But it was Sputnik and the Cold War that led to action. Sputnik led to the re-evaluation of the work of the schools and to the passage of the National Defense Education Act in 1958. The Act placed emphasis on math, science, and foreign languages - the three areas in which Russian education was seen as superior. It promoted attention to the processes of second language teaching and learning and emphasized the retention and expansion of our foreign language resources.[27] Today the U.S. still has not learned this lesson: it does not promote the acquisition of foreign languages and insists upon being linguistically chauvinistic.

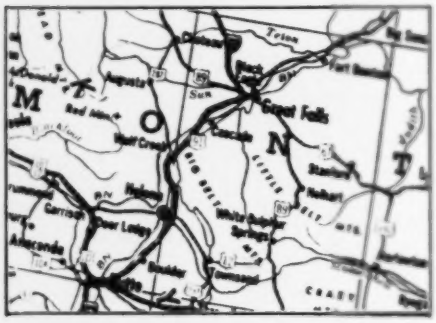
Language Policy and Foreign Policy - The Cubans: As with the Mexicans and Puerto Ricans before them, Cubans made significant contributions to the development of U.S. language policy, especially in education. The surge of Cubans to the U.S. after the Cuban Revolution presented a unique interaction between U.S. foreign and language policies. The country, in its attempt to establish a strong foreign policy against Cuba's new government, opened its arms to the Cubans who were thought to be transient refugees. Special programs for the Spanish-speaking were commonplace in Florida and the pedagogical benefits of native language instruction were proudly highlighted in educational circles.[28] Compared with the treatment of "domestic" language minority groups at the time, Cubans were given preferential treatment.[29]

Language Policy and Civil Rights - Voting: With the passage of the Voting Rights Act of 1965, voting was recognized as an important right, a right that would enhance other rights and privileges because of its obvious effect on public policy. For the nation's linguistic minorities, the Voting Rights Act set the stage for the subsequent enactment in 1970 of its bilingual assistance provisions.

The start of these efforts was section 4(e) of the Act which created an exemption for citizens who attained a 6th grade education in American flag schools conducted in languages other than English. These citizens could not be turned away from registering to vote because they failed an English literacy requirement. In effect, Congress was saying that political participation was too important to await the acquisition of a second language. Rarely discussed, however, is the fact that Congress was specifically addressing the rights of Puerto Ricans. In 1966 the U.S. Supreme Court said:

More specifically, Sec. 4(e) may be viewed as a measure to secure for the Puerto Rican community residing in New York non-discriminatory treatment by government - both in the imposition of voting qualifications and the provision or administration of governmental services, such as public schools, public housing law enforcement.[30]

Language Policy and Civil Rights - Education: In 1974 the Supreme Court decided Lau v. Nichols. Relied upon by bilingual education advocates everywhere, Lau v. Nichols was decided more than 100 years after bilingual instruction was introduced in the United States. Throughout the 1850s and thereafter, bilingual instruction was utilized in states such as Illinois, Iowa, Missouri, Michigan, Kentucky, Minnesota, Oregon, Colorado and Nebraska.[31]



The significance of this case lies in its juxtaposition of the concepts of inequality and non-discrimination with the school district's unresponsiveness to language barriers. Thus, it was unlawful for Chinese students in San Francisco's public schools to sit in regular monolingual English classes without any efforts by the school to address their language needs. As the Court noted: "...there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."[32] This case ushered in a new era in civil rights principles and their application to the public schools. In theory, language minority students would no longer be allowed to sink or swim.

POLITICAL EMPOWERMENT: THE REAL TARGET

"As Whites see their power and control over their lives declining, will they simply go quietly into the night? Or will there be an explosion? Why don't non-Hispanic Whites have a group identity, as do Blacks, Jews, Hispanics?"

These words are another excerpt from John Tanton's 1986 diatribe. Its distribution in August 1988 led to the resignation of Walter Cronkite from the Board of Advisors of U.S. English, Inc. and Linda Chavez from its Executive Director chair. Tanton would not retract, but resigned as well. Chavez' media-orchestrated resignation bordered on the humorous - as if from the heavens, the combination among the founders and financiers of U.S. English of the programmatic themes of population control, immigration restrictions and language restrictions became evident and unsavory to Chavez.[33] These connections were not hidden to those of us who have opposed English Only; we were merely supplied with more details.

For example, Tanton's affiliation with Zero Population Growth - which advocates sterilization of women - as well as his creation of the Federation of American Immigration Reform (FAIR) was public knowledge. In the early 1980s, FAIR petitioned the courts to halt the arrival of

"Marielitos" because they would pollute the environment and in the mid-80s it lobbied frantically against the "amnesty" provisions of the immigration act. But simultaneously with the disclosure of the Tanton memo, financial data revealed that the financiers of both FAIR and U.S. English included heiress Cordelia Scaife May and the Pioneer Fund. The former financed the distribution of a French novel in which Third World immigrants invade and destroy Europe. The latter is dedicated to white racial superiority and eugenics.[34]

The leadership of the English Only movement fully understands the political and strategic means necessary to stop Latinos from exercising control over local governments. Tanton recognized as much when he said in his 1986 memo that "the issues we're touching must be broached by liberals. The conservatives simply cannot do it without tainting the whole subject." The rhetoric of U.S. English, Inc. and of English First (another organization supporting a federal constitutional amendment declaring English the only official language) lists many superficial reasons for supporting such laws: the need to preserve the English language; the common bond English creates among Americans; the symbolism of English in America; and the need to provide incentives for Latinos because they refuse to learn English. All of these stated reasons have been effectively and empirically countered as false and unnecessary by opponents of English Only. Accordingly, as Puerto Ricans and others pressed forward with their agenda of access and control, the national debate has sought to suspend the quest for full equality and non-discrimination. The best example of this lies in the English Only movement's position on political participation of language minorities.

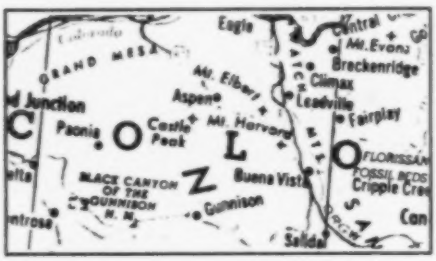
Bilingual ballots and bilingual registration forms are immediate and practical targets of the English-Only movement. They also represent, not surprisingly, areas that Latinos, Haitians, Asians and others have fought for in order to empower their respective communities. Take away the ballot and you will have dealt a serious blow to these peoples.

This attack on bilingual ballots and registration forms is especially pernicious. Its elements in the public discourse reveal two barely hidden themes: (a) voters who do not know English (as well as voters who are ignorant) are not worthy of participating in the body politic - you have to *earn* the right (read: privilege) to vote; (b) political and community leaders are deliberately keeping linguistic minorities away from learning English for their own political ambitions. Many of us have heard them before. It's a twist of the same pretext to keep people of color away from political power. Its roots are in the literacy tests used to keep Blacks from voting. Its operation in the Latino, Asian and other communities is dangerous at this time in our history when these groups are starting to register and vote in large numbers. For example, a survey in 1984, conducted

by the Southwest Voter Participation Project, found in four states that 30% of the Mexicans responding would not have registered to vote had it not been for bilingual voting materials. Another survey published in 1988 by the Commonwealth of Puerto Rico found that 29% of all Puerto Ricans surveyed in New York City listed language barriers as an impediment to voting.

The second theme noted above follows from the first and stems from the same desire to arrest the "browning of America." John Tanton summarized:

The way to demean minority citizens is to keep them in language ghettos, where they can be controlled by self-serving ethnic politicians.[35]



The white liberal (and Tanton deems himself one of them) can now be converted blindly into the white liberator, freeing the minorities from the prisons of their own deficiencies. This thinking led San Francisco voters in 1983 to overwhelmingly pass a referendum urging the repeal of bilingual ballots in a city composed of, what some analysts conclude, many liberal voters.[36]

Isn't it convenient that at a time when minority communities begin successfully to challenge structural impediments to political power, successfully register and turn out to vote, and elect representatives of their own people to public office, that these leaders are now attacked as manipulating their constituents? No connections? Do white politicians manipulate voters or is this trait monopolized only by our elected officials? Certain white politicians, such as Assemblyman Walter Kern of New Jersey, sponsor English-Only legislation because without it "there's no common language in the political arena." This politician wants to attract the Latino vote but does not want to go to the trouble of saying *"como está usted"* in Spanish, *al estilo* Frank Purdue!

Puerto Ricans in the U.S. have been responding to this new attack. In 1987 English Only legislation failed to pass in New York, New Jersey, Connecticut and Pennsylvania. Ohio and Massachusetts began organizing communities against these initiatives. In each of these states Puerto Rican organizations have been essential parts of the leadership. Consolidation of these efforts is necessary. We have some unfinished business to complete. It is necessary to get back on course with the plan of fighting for full preservation of our language and culture and against discrimination on the basis of language.[37]

ENDNOTES

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15. Castellanos, Diego, The Best of Two Worlds: Bilingual-Bicultural Education in the U.S., New Jersey State Department of Education, Trenton, N.J., p. 8.

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33. The Miami Herald, "English Only Leader Urged To Quit," Oct. 15, 1988.

34. Crawford, James, "What's Behind English Only II: Strange Bedfellows," Hispanic Link Weekly Report, Oct. 31, 1988.

35. Los Angeles Times, Oct. 16, 1986.

36. Woolard, Kathryn A., "Sentences in the Language Prison: The Rhetoric of an American Language Policy Debate" (draft), Presented at American Anthropology Association, Dec. 1986; on file with author.

37. Reynaldo F. Macías, a noted linguist, has often based his presentations in language policy on the international norms inherent in various international covenants and treaties. These include a right for every individual to have access to his/her home or community language and a concommitant right to be free from discrimination on the basis of language. My review of the policies, laws and court cases addressing Puerto Rican concerns in the U.S. has led me to conclude that our community has been striving for essentially the same thing. Y nos falta mucho.

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